

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

L. ROCHELLE BANKHEAD,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*,

Defendants.

CIVIL ACTION

NO. 3:24-cv-00167-TCB

ORDER

This matter is before the Court on *pro se* plaintiff L. Rochelle Bankhead's ("plaintiff") affidavit and application to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915(a). See [Doc. 1].¹ After consideration by the Court of plaintiff's affidavit of indigency only, her request to proceed *in forma pauperis* is hereby **GRANTED** pursuant to 28 U.S.C. § 1915(a), and she shall be allowed to proceed with this action without prepayment of filing fees, docket costs, or United States Marshals Service fees. However, it is further **ORDERED** that service of process shall not issue at the present time, and the Clerk is **DIRECTED** to refrain from forwarding the petition to the United States Marshals Service for service until the District Judge orders otherwise.

¹ The listed document and page numbers in citations to the record in this Order refer to the document and page numbers shown on the Adobe file reader linked to the Court's electronic filing database, CM/ECF.

Under 28 U.S.C. § 1915(e), the Court must dismiss an *in forma pauperis* complaint if it determines that the allegation of poverty is untrue, or that the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). A claim is frivolous when it appears from the face of the complaint that the factual allegations are “clearly baseless” or that the legal theories are “indisputably meritless.” Neitzke v. Williams, 490 U.S. 319, 327 (1989); Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001) (citation omitted). “Unsupported conclusory factual allegations [] may be ‘clearly baseless.’” Craven v. Florida, No. 6:08-cv-80-Orl-19GJK, 2008 WL 1994976, at *4 (M.D. Fla. May 8, 2008), adopted at *2.² Accordingly, the Clerk is also **DIRECTED** to submit this file to the assigned District Judge for a frivolity determination under 28 U.S.C. § 1915(e)(2).

IT IS SO ORDERED and DIRECTED, this 19th day of September, 2024.


 RUSSELL G. VINEYARD
 UNITED STATES MAGISTRATE JUDGE

² “A complaint also is ‘frivolous’ under [28 U.S.C.] § 1915 where there is no subject matter jurisdiction.” Crossing v. Edmond, CIVIL ACTION FILE NO. 1:20-cv-00629-MLB-AJB, 2020 WL 9594286, at *2 (N.D. Ga. Feb. 21, 2020) (citations omitted), adopted by 2020 WL 9594377, at *1 (N.D. Ga. Mar. 17, 2020).